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22801 7590 08/16/2010
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| EXAMINER |
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CHRISTENSEN, SCOTT B

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| ART UNIT | PAPER NUMBER |
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08/16/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

| | | | |
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| Office Action Summary | Application No. 10/675,125 | Applicant(s) ACHLIOPTAS, DIMITRIS | |
| | Examiner Scott Christensen | Art Unit 2444 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-11,14,16,21,22,24-27,29,30,32,33 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-11,14,16,21,22,24-27,29,30,32,33 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/18/2009;7/29/2010</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 6/1/2010

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 7-14, 16, 21-30, 32-33, and 35-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7-11, 14, 16, 21-22, 24-27, 29-30, and 32-33, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunkle in US 6,288,717, hereafter referred to as "Dunkle."

5. With regard to claim 1, Dunkle discloses a computer implemented system that facilitates building a profile of a user comprising:

a processor communicatively coupled to a memory, said memory having stored thereon computer-executable instructions configured to implement the profile building system including:

at least one extraction component to extract semantic components of at least one portion of a web page (Dunkle: Column 5, lines 29-32. There is no requirement as to

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how the extraction component extracts semantic components of the at least one portion of a web page. In this case, at least the information pertaining to the article is extracted. Applicant should provide details of what constitutes semantic components, and how the semantic components are utilized.);

at least one input component comprising a plurality of user interface buttons to automatically reflect context to the user of the web page based in part on the semantic components of the at least one portion of the web page, to receive the user's selection of one or more of the plurality of user interface buttons (Dunkle: Column 5, lines 29-32. The button states "Rate This Article," which reflects the context of the page, which is an article. The button then links to a dialogue box that requests multiple pieces of items from the user in the form of ratings, which would constitute a plurality of buttons that reflect the context of the page. Applicant should provide details of how the buttons are generated from the context.); and

a profile component to populate and store the profile of the user and to indicate the user's selection of the one or more of the plurality of user interface buttons for viewing by the user or other users (Dunkle: Column 5, lines 31-34. The data collected is used to give a deeper understanding of the members' preferences, which means that a profile is populated and stored to act on the preferences.).

6. Regarding Claim 2, Dunkle discloses a web browser (Dunkle: Figure 4. There is no requirement as to what role the web browser has in the system, thus any web

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browser that is part of the same system that performs the functionality claimed is satisfactory, even if the web browser does not perform any of the functionality.).

7. Regarding Claim 3, Dunkle discloses a search engine (Dunkle: Figure 2. Dunkle presents a search engine for determining an item to present as the first headline.).

8. Regarding Claim 7, Dunkle discloses a profile review component to allow the user to review and/or edit the profile (Dunkle: Figures 5-15. The pages displayed allows a user to check or uncheck entries to modify the user's interests.).

9. Regarding Claim 8, Dunkle discloses an inference component to make declarations on behalf of the user (Dunkle: Figure 2 and Column 15, lines 29-32. The system picks articles based on the user's preferences.).

10. Regarding Claim 9, Dunkle discloses that the inference component further comprises at least one of: a support vector machine (SVM), a naive Bayes model, a Bayesian network, a decision tree, a Hidden Markov Model (HMM), neural network, data fusion engine (Dunkle: Figure 2. The inference is at least a decision tree.).

11. Regarding Claim 10, Dunkle discloses that the inference component further comprises a classifier (Dunkle: Abstract. The interest flags are for topics. Thus, the articles are selected at least partially based on topics, or classes.).

12. Regarding Claim 11, Dunkle discloses the inference component is further to infer when to make a declaration on behalf of the user (Dunkle: Figure 2. The inference component makes declarations when selecting headlines on behalf of a user, and thus infers this timing. Applicant should provide more detail on what declaration is made, and how the component infers when to do this.).

13. Regarding Claim 14, Dunkle discloses that the user profile comprises information relating to opinions, expertise, and experiences of the user, the profile being created by the user in a passive manner (Dunkle: Column 5, lines 29-32. The information is provided by the user providing opinions of articles. This information is then used to create a profile, where the user did not actively select the topics that correspond to the articles.).

14. With regard to claims 16 and 24-27, the instant claims are substantially similar to subject matter presented in claims 1, 5, 6, 7, and 8, and are rejected for substantially similar reasons.

15. With regard to claim 21, Dunkle discloses morphing the plurality of user interface buttons based at least in part upon a change in the semantic components of the at least one portion of the web page (Dunkle: Column 5, lines 29-32. The buttons are displayed based on the portion of the web page being displayed. It is noted that there is no

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requirement on how the semantic components of the at least one portion of the web page actually changes, or how the morphing occurs based on this change.).

16. With regard to claim 22, Dunkle discloses that the morphing of the plurality of user interface buttons is based at least in part upon user behavior with respect to movement of a pointer device (Dunkle: Column 5, lines 29-32. The buttons are displayed based on the user selecting the button, which, as can be seen in figures 4-20, is performed in a GUI, which means a pointing device is used.).

17. Regarding Claim 29, Graham as modified by Stern teaches that the user is browsing a web page and concurrently makes declarations regarding the user's perceptions with respect to the web page (Graham: Figure 8 and Figure 9).

18. Regarding Claim 30, Graham as modified by Stern teaches that the method of claim 28 performed at least in part by a web browser (Graham: Figure 8, and Figure 9).

19. With regard to claim 32, the instant claim is substantially similar to subject matter presented in claim 1, and is rejected for substantially similar reasons.

20. With regard to claim 33, the instant claim is substantially similar to subject matter presented in claim 1, and is rejected for substantially similar reasons.

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21. With regard to claim 36, the instant claim includes subject matter that is substantially similar to claim 1 and is rejected for substantially similar reasons. Further, Dunkle discloses:

wherein the potential user perceptions at least in part relate to at least one of an emotional response of the user, an experience of the user, a desire of the user, a philosophy of the user, a preference of the user, a goal of the user, an opinion of the user, relevance to the user, a theology of the user, an insight of the user, and a conception of the user (Dunkle: Figures 5-15).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 12-13, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunkle in view of Uchiyama in US 2002/0065802, hereafter referred to as "Uchiyama."

24. With regard to claim 12, Dunkle discloses the invention as substantially claimed except a privacy-preserving searching component that allows the user to search for others who have a similar profile as the user.

However, Uchiyama discloses a system that facilitates connecting a user to other uses that have common interests by employing data in a profile (Uchiyama: Paragraph

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[0040]). Further, Uchiyama discloses that a user may opt out of this search for privacy reasons (Uchiyama: Paragraph [0108]), thus preserving privacy of those who wish to remain private.

Accordingly, it would have been obvious to utilize a searching component, as in Uchiyama, with a profile, as in Dunkle.

The suggestion/motivation for doing so would have been that the Internet was recognized as being a powerful tool for connecting people with common interests, thus resulting in a plethora of social networking options. By utilizing already gathered information, through the explicit selections and ratings of Dunkle, a user may be connected to other users who have interests in similar topics, thus allowing the user to have discussions on topics presented by Dunkle.

25. With regard to claim 13, Dunkle discloses the invention as substantially claimed except that dissemination of at least a portion of the user profile is selective and controlled by the discretion of the user.

However, Uchiyama discloses a system that facilitates connecting a user to other users that have common interests by employing data in a profile (Uchiyama: Paragraph [0040]). Further, Uchiyama discloses that a user may opt out of this search for privacy reasons (Uchiyama: Paragraph [0108]), thus preserving privacy of those who wish to remain private, thus controlling the dissemination of portions of the profile.

Accordingly, it would have been obvious to utilize a searching component, as in Uchiyama, with a profile, as in Dunkle.

The suggestion/motivation for doing so would have been that the Internet was recognized as being a powerful tool for connecting people with common interests, thus resulting in a plethora of social networking options. By utilizing already gathered information, through the explicit selections and ratings of Dunkle, a user may be connected to other users who have interests in similar topics, thus allowing the user to have discussions on topics presented by Dunkle. Further, by allowing a user to opt-out of utilizing the search capabilities, a user may ensure that their privacy is maintained.

26. With regard to claim 28, the instant claim is substantially similar to the invention claimed in claim 8, and is thus rejected for substantially similar reasons.

27. With regard to claim 35, the instant claim is substantially similar to subject matter presented in claim 28, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunkle.

29. With regard to claim 23, Dunkle discloses the invention as substantially claimed except that the pointer device comprises a mouse.

However, Official Notice is taken that the utilization of a mouse to interact with a GUI was very well known in the art.

Accordingly, it would have been obvious to utilize a mouse to interact with the system of Dunkle.

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The suggestion/motivation for doing so would have been that a mouse is a very common device utilized to interact with computers, where in combination with a keyboard, the user can perform most operations needed in a day to day basis without incurring the cost of other interfaces, such as touch screens. Further, many operating systems are designed with the assumption that most users would utilize a mouse, such as Microsoft Windows 98, meaning that to utilize these operating systems without having to incur significant costs in providing custom code to properly interface with the system, a person of ordinary skill in the art would likely have utilized a mouse.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444

/RANODHI N SERRAO/
Primary Examiner, Art Unit 2444